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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/613,090      | 07/07/2003  | Yong Cheol Park      | 0465-1039P          | 5080             |

2292 7590 11/30/2004

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

TRAN, THANG V

ART UNIT PAPER NUMBER

2653

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/613,090

Applicant(s)

PARK ET AL.

Examiner

Thang V. Tran

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/362,375.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 112***

1. Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 10:

The claim recites a step of transferring information on defective areas listed on a DMA; however, it is unclear to where the information is transferred.

In claim 11:

The claim recites a step of transferring information on the skipped defective blocks; however, it is unclear to where the information is transferred. Also, it is unclear why information on the skipped defective blocks needs to be transferred since it has never been used later.

In claim 14:

It is unclear how the writing step recited in this claim is relatively operated in combination with skipping step and writing step recited in claim 10, lines 14-17. It seems to be contradicted to each other.

In claim 16:

It is unclear to where the information on defective area is returned as recited in lines 1-2. Also, it is unclear as to how defective blocks are recognized if they are present at positions designated by the real time write command.

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In claim 17:

It is unclear how the writing step recited in this claim is relatively operated in combination with writing step in claim 14 and skipping step and writing step recited in claim 10, lines 14-17.

In claim 18:

The claim recites a step of transferring information on defective areas listed on a DMA; however, it is unclear to where the information is transferred.

In claim 19:

The claim recites a step of transferring information on the newly encountered defective blocks; however, it is unclear to where the information is transferred. Also, it is unclear why information on the newly encountered defective blocks needs to be transferred since it has never been used later.

In claim 23:

It is unclear to where the information on defective area is returned as recited in lines 1-2. Also, it is unclear as to how defective blocks are recognized if they are present at positions designated by the real time write command.

In claim 25:

The claim recites a step of transferring information on defective areas listed on a DMA; however, it is unclear to where the information is transferred.

Claims 2-9, 12, 13, 15, 20-22, 24 and 26-28 fall with their respective parent claim.

2. Due to the uncertain nature of claims 14-17, no art is applied to determine their allowability at this time. However, Applicant attention is drawn to Fig. 6 of Fukushima et al (US 5,237,553).

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8, 10, 11, 25-63 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukushima et al. (US 5,237,553).

Regarding claim 1, see Figs. 1-6, which show a method for writing or reproducing a data to/from an optical recording medium having a defect management areas (list areas) for managing a defective area, comprising steps of: determining whether data to be written is a real time data (see column 8, lines 41-44); transferring information on defective areas listed on the defect management areas (list areas) prior to writing a real time data, if the data to be written is a real time data (see column 8, lines 45-62); generating a write command such that the defective areas are not allocated to said real-time data to be written based upon the information on the defective areas (see column 9, lines 13-22); and writing the real-time data on the optical recoding medium in response to said write command (see column 9, lines 22-27).

Regarding claims 2-5, see list areas C and G in Fig. 4a-4c and sector address of the defective sectors stored therein.

Regarding claim 6, see Fig. 3 and Fig. 6, steps 56-58.

Regarding claim 7, see steps 55-57 in Fig. 6

Regarding claim 8, see column 9, lines 62-68.

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Regarding claim 10, see the rejection applied to claim 1 above and further see column 9, lines 62-68 for the skipping step and writing step further recited in claim 10

Regarding claim 11, see column 9, lines 27-50 and column 10, lines 50-65.

Regarding claims 25 and 26, see the rejection applied to claim 10.

Regarding claims 27-28, see Fig. 3 and Fig. 6, steps 56-58.

Regarding claim 29, see the rejection applied to claim 1

Regarding claims 30-32, see list areas C and G in Fig. 4a-4c and sector address of the defective sectors stored therein.

Regarding claim 33, see Fig. 3 and Fig. 6, steps 56-58.

Regarding claim 34, see steps 55-57 in Fig. 6

Regarding claim 35, see column 9, lines 62-68.

Regarding claim 37, see the rejection applied to claim 1

Regarding claims 38-39, see list areas C and G in Fig. 4a-4c and sector address of the defective sectors stored therein.

Regarding claims 40-41, see Fig. 3 and Fig. 6, steps 56-58.

Regarding claim 42, see the rejection applied to claim 1

Regarding claims 43-44, see list areas C and G in Fig. 4a-4c and sector address of the defective sectors stored therein.

Regarding claims 45-46, see Fig. 3 and Fig. 6, steps 56-58.

Regarding claims 47 and 52, see the rejection applied to claim 1

Regarding claims 48 and 49, see list areas C and G in Fig. 4a-4c and sector address of the defective sectors stored therein.

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Regarding claims 50 and 51, see Fig. 3 and Fig. 6, steps 56-58.

Regarding claims 53 and 59, see Fig. 2 which shows an optical recording medium comprising: a defect management area ( list areas) for managing defective areas; a data area ((data areas) including at least one defective area; a spare area (see spare area in Fig. 2) and file area (volume control area). The wherein statement, recited in claim 53, lines 4-8 on in claim 59, lines 5-11, is directed to an intended use of the optical recording medium to be used with other device or apparatus; therefore, no patentable weight is given to the information in the wherein statement. Nevertheless, see column 9, lines 6-22 and column 10, lines 63-56 for the limitations in the wherein statement as recited in claim 53 or 59.

Regarding claims 54-58 and 60-63, see Fig. 3.

***Allowable Subject Matter***

5. Claims 9, 12 and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. Claims 18-24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

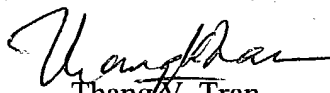
7. Claims 9, 12, 13 and 18-24 are allowable over the prior art of record because the prior art of record, considered in combination or individually, fails to suggest or fairly teach a writing and/or reproducing method including a combination of all limitations as particularly recited in each of claims 9, 12 and 18. Claims 13 and 19-23 are allowable with their respective parent claim.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 703 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Thang V. Tran  
Primary Examiner  
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